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AN ORDINANCE relating to zoning; creating a temporary use permit for homeless encampments; amending Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020 and Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120 and adding a new section to K.C.C. chapter 21A.32.

..Body

SECTION 1. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020 are each hereby amended to read as follows:

Classifications of land use decision processes.

A. Land use permit decisions are classified into four types, based on who makes the decision, whether public notice is required, whether a public hearing is required before a decision is made and whether administrative appeals are provided. The types of land use decisions are listed in subsection E₂ of this section.

1. Type 1 decisions are made by the director, or his or her designee, ("director") of the department of development and environmental services ("department"). Type 1 decisions are non appealable administrative decisions.

2. Type 2 decisions are made by the director. Type 2 decisions are discretionary decisions that are subject to administrative appeal.

3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner following an open record hearing. Type 3 decisions may be appealed to the county council, based on the record established by the hearing examiner.

4. Type 4 decisions are quasi-judicial decisions made by the council based on the record established by the hearing examiner.

a. Except as provided in K.C.C. 20.44.120A.7 and 25.32.080 or unless otherwise agreed to by the applicant, all Type 2, 3 and 4 decisions included in consolidated permit applications that would require more than one type of land use decision process may be processed and decided together, including any administrative appeals, using the highest-numbered land use decision type applicable to the project application.

b. Certain development proposals are subject to additional procedural requirements beyond the standard procedures established in this chapter.

c. Land use permits that are categorically exempt from review under SEPA do not require a threshold determination (determination of nonsignificance ((~~§~~)[~~"DNS"~~(~~§~~)]) or determination of significance ((~~§~~)[~~"DS"~~(~~§~~)])). For all other projects, the SEPA review procedures in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

d. Land use decision types are classified as follow:

TYPE 1	(Decision by director, no administrative appeal)	Building permit, site development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the department has issued a determination of nonsignificance or mitigated determination of nonsignificance; boundary line adjustment; right of way; variance from K.C.C. chapter 9.04; shoreline exemption; approval of a conversion-option harvest plan; a binding site plan for
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		a condominium that is based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites, ((or)) a site development permit for the entire site <u>or a temporary use permit for a homeless encampment.</u>
TYPE 2 ¹	(Decision by director appealable to hearing examiner, no further administrative appeal)	Short plat; short plat revision; short plat alteration; zoning variance; conditional use permit; temporary use; shoreline substantial development permit ² ; building permit, site development permit or clearing and grading permit for which the department has issued a determination of significance; reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070_B; preliminary determinations under K.C.C. 20.20.030_B; sensitive areas exceptions and decisions to require studies or to approve, condition or deny a development proposal based on K.C.C. chapter 21A.24; extractive operations under K.C.C. 21A.22.050; binding site plan; waivers from the moratorium provisions of K.C.C. 16.82.140 based upon a finding of special circumstances.
TYPE 3 ¹	(Recommendation by director, hearing and decision by hearing	Preliminary plat; plat alterations; preliminary plat revisions.

	examiner, appealable to county council on the record)	
TYPE 4 ^{1, 3}	(Recommendation by director, hearing and recommendation by hearing examiner decision by county council on the record)	Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions; plat vacations; short plat vacations; deletion of special district overlay.

¹ See K.C.C. 20.44.120.C for provisions governing procedural and substantive SEPA appeals and appeals of Type 3 and 4 decisions to the council.

² When an application for a shoreline permit is combined with other permits requiring Type 3 or 4 land use decisions under K.C.C. 25.32.080, the examiner, not the director, makes the decision. A shoreline permit, including a shoreline variance or conditional use, is appealable to the state Shorelines Hearings Board and not to the hearing examiner.

³ Approvals that are consistent with the Comprehensive Plan may be considered by the council at any time. Zone reclassifications that are not consistent with the Comprehensive Plan require a site-specific land use map amendment and the council's hearing and consideration shall be scheduled with the amendment to the Comprehensive Plan under K.C.C. 20.18.040 and 20.18.060.

SECTION 2. Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120 are each hereby amended to read as follows:

Temporary use permits - duration and frequency. Temporary use permits shall be limited in duration and frequency as follows:

A. The temporary use permit shall be effective for no more than one hundred eighty days from the date of the first event;

B. Except as otherwise provided in this chapter, ~~((F))~~the temporary use shall not exceed a total of sixty days~~((, provided that))~~. ~~((t))~~This requirement applies only to the days that the event or events actually take place. For a winery in the A or RA zones, the temporary use shall not exceed a total of two events per month and all parking for the events must be accommodated on site;

C. The temporary use permit shall specify a date upon which the use shall be terminated and removed; and

D. A temporary use permit shall not be granted for the same temporary use on a property more than once per calendar year, though a temporary use permit may be granted for multiple events during the approval period.

NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 21A.32 a new section to read as follows:

Temporary homeless encampments.

A. An encampment for the purpose of providing housing for homeless people may be permitted subject to the following standards:

1. The application shall include the applicant and the name of any agency that is sponsoring the homeless encampment and that assumes responsibility for providing basic services and support to the homeless encampment;

2. If the applicant is not the owner of the site, a written agreement to use the property must be submitted with the application;

3. The homeless encampment may be approved for up to ninety consecutive days;

4. The total population of the homeless encampment shall be limited to one hundred residents at any one time;

5. The site must be within one quarter mile of a public transportation stop with service available during the weekday and weekends or the applicant must demonstrate ability to obtain access to public transportation;

6. Except for the access road, the homeless encampment must provide a minimum of twenty foot setback from the street and interior lot lines and include either:

a. established vegetation sufficient to obscure the view of the homeless encampment from the lot line; or

b. a six foot high, view-obscuring fence; and

7. The department may impose additional conditions on the permit in order to assure compliance of the permit with county policies, ordinances and other applicable laws and regulations.

B.1. When a temporary homeless encampment is proposed, the applicant and any agency sponsoring the homeless encampment shall convene a community meeting prior to submittal of an application. At the time of submittal of the application, applicants are encouraged to note any changes to the conceptual information presented at the community meeting.

2. Meeting notice, including the date and location of the meeting, shall be provided at least two weeks in advance of the community meeting as follows:

a. the notice shall be mailed to the department and to the unincorporated area council serving the area in which the site is located; and

b. the notice shall be mailed or hand-delivered to all property owners within five hundred feet or at least twenty of the nearest property owners, whichever is greater.

3. The notice at a minimum shall contain the following information:

a. name of the applicant and any agency sponsoring the homeless encampment and the name of the property owner if different;

b. a brief description of the proposal including the date the homeless encampment will begin and end, the proposed number of residents and site layout plans if known;

c. a contact name and telephone number to obtain additional information from the applicant and of any agency sponsoring the homeless encampment and any organization involved in the supervision of the homeless encampment; and

d. any other information deemed necessary by the department.

4. At least one employee of the department, assigned by the director, shall attend the community meeting. At the time of application submittal, the applicant and any agency sponsoring the homeless encampment shall provide a record of the published meeting notice and a list of meeting attendees and of those receiving mailed notice.

C. Notification of an application for a temporary permit shall be given to adjacent property owners within a five-hundred foot radius and the local unincorporated area council. The area shall be expanded to include at least twenty different property owners in rural or lightly inhabited areas or in other appropriate cases when the department determines.